8584551/2024/VIG-IV-REV01

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

PUBLIC SERVANTS – Prohibition & Excise Department- Sri P Satyanarayana Prasad. Asst Commr. Proh & Excise Dept (Retired) was involved in the liquor syndicate case of West Godavari District – Implemented the Hon'ble High Court orders dated 02.02.2018 in Contempt Case No 1318 of 2017 in W.P No 24892 of 2016 - Sanctioned Pensionary benefits – Implemented the orders dated 25.07.2023 of Hon'ble High Court in WP No. 18529 of 2023 filed by Sri P Satyanarayana Prasad, Asst. Commr. Proh & Excise Dept (Retired) for payment of interest on delayed pensionary benefits -Orders – Issued

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REVENUE (VIGILANCE IV) DEPARTMENT

G.O.Rt.No.234 **Dated:23.02.2024**

Read the following

1) From the DG.AC.B. Letter Rc.No. 60/RCO-EGW/2012, dated 12.11.2012 (Cr. No 1/RCO ACB-EWG/2012)
2) Govt. Memo No 51870/Vig .IV(2)/2012-1 Rev (Vig. IV) Dept dated 15.1.2013
3) From the D. G, AC.B. Letter Rc No. 60/RCO-EWG/2012-S.13. dated: 30.04.2013
4) GO Ms No. 319 Revenue (Vig.IV) Department, dated 13.06.2013
5) GO Rt. No. 861 Revenue (Vig .IV) Department, dated 13.06.2013.
6) GO Rt No. 1067 Revenue (Vig. IV) Department, dated 27.10.2016
7) WSD dated 02.12.2016 of Sri P. Satyanarayana Prasad, formerly P&E Sudpt. Eluru
8) Orders dated 03.11.2016 in WP No 24892 of 2016 filed before Hon'ble High Court by Sri P.S Prasad, Retired Asst. Commissioner, P&E Dept
9) GO Rt No. 753 Revenue (Vig IV 2) Department, dated 24.07.2017
10) Government Memo No. 51870/Vig IV(2)/2012 Revenue Dept., dated 26.12.2016 & 07.06.2017.
11) G.O.Rt. No.1064, Revenue (Vig IV(2) Department, dated 20.10.2017.
12) G.O.Rt.No. 122 Revenue (Vig IV) Department, dated 18.01.2018
13) Orders dated 02.02.2018 in CC No 1318 of 2017 filed before Hon'ble High Court by Sri P.S. Prasad, Retired Asst. Commr, P&E Dept, in W.P.No 24892 of 2016.
14) Govt. U.O. Note dated 51870/Vig IV(2)/2012, dated 08.03.2018.
15) From Commissioner of Prohibition and Excise Letter in Cr.No. 5196/ 2017/ CPE/SR-I, dated 11.09.2018
16) Govt. Memo. No. 51870/Vig IV(2)/2012, dated 12.09.2018.
17) G.O.Rt. No.1536 Revenue (Vig IV) Department, dated 05 .11. 2018.
18) Govt. Memo No 51870/Vig. IV(2)/2012 dated 27.03. 2019.
19) G.O.Rt.No.516 Revenue (Vig IV) Department, dated 24. 04. 2019.
20) G.O.Rt.No. 863 Revenue (Vig, IV) Department, dated 16.06.2019.
21) G.O.Rt. No.1120 Revenue (Vig IVI Department, dated 07.11. 2019.
22) Orders of Hon'ble High Court in W.P. No 18529 of 2023 dated 25.07 2023.
23) From Sri P. Satyanarayana Prasad, Asst Commr. P&E Dept. (Retired) representation dated 04.09.2023 along with its enclosures.

(PTO)

24) From CPE, AP, Vijayawada Lr. Cr. No 4476/2013/CPE/C4, dated:17.10.2023

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ORDER:

Whereas Sri. P Satyanarayana Prasad, Asst Commr. Proh & Excise Dept. (Retired) was involved in the Liquor Syndicate case of West Godavari District along with other Prohibition and Excise officials, when he was in service. The DG, ACB in his final report (Cr. No 1/RCO ACB- EWG/2012) dated 12.11.2012 has recommended to entrust his case to COI along with other P&E officials. After following due procedure, Government have entrusted the case to COI. He was retired from the service on 30.06.2013.

2. And whereas, in the reference 5th read above Government have issued Articles of Charges against Sri P. Satyanarayana Prasad, Asst. Commr. Proh. & Excise Dept., (Retired). The charged officer has submitted his written statement of defence vide reference 7th read above.

3. Whereas in the reference 6th, 12th, 19th & 20th read above, the disciplinary case was entrusted to Commissioner of Inquiries to inquire into the charges framed against Sri P. Satyanarayana Prasad, formerly Prohibition & Excise Superintendent, Eluru (Retired) along with others.

4. And whereas Sri P. Satyanarayana Prasad, formerly Prohibition & Excise Superintendent, Eluru has filed W.P.No. 24892/2016 before Hon'ble High Court against the charges framed on him and prayed for pensionary benefits. The Hon'ble High Court has passed the following order dated 03-11-2016 in the said W.P. (operative portion):

> "However, it is stated by the counsel for the petitioner that the petitioner sought time to inspect the documents. We do not know whether it was a genuine request or dilatory tactics. Be that as it may, the completion, of enquiry, at the earliest stage, will not only benefit the petitioner but also benefit the respondents. Therefore the writ petition is allowed. The order of the Tribunal is modified. The respondents are directed to complete the enquiry within a period of six months, subject to the cooperation of the petitioner, if the petitioner does not cooperate, the period of six months fixed herein cannot be put against them by the petitioner."

5. Accordingly, the said orders of the Hon'ble High Court have been communicated to General Administration (COI-P) Department with a request to complete the enquiry within stipulated time prescribed therein vide reference 9th read above.

6. Whereas Sri P. Satyanarayana Prasad, formerly Prohibition & Excise Superintendent, Eluru (Retired as Assistant Commissioner, Prohibition & Excise Department) has filed C.C No. 1318/2017 for non-implementing the above orders of the Hon'ble High Court. The Hon'ble High Court has passed the following order dated 02-02-2018 in C.C. No 1318/2017 in W.P No. 24892/2016 (operative portion).

(PTO)

"Hence, the respondents are granted time up to 30.06.2018 to complete the inquiry. If the inquiry is not completed on or before the said date, the respondents are obliged to pay all the terminal benefits including the gratuity, and thereafter, proceed under Rule 9 of the Pension Rules in respect of the future pension. Accordingly the Contempt Case is close"

7. Accordingly, the said orders of the Hon'ble High Court have also been communicated to GA (COI-PKS) Dept with a request to complete the enquiry within stipulated time prescribed therein vide reference 14th read above. But, the departmental proceedings have not been concluded within the stipulated time prescribed by the Hon'ble High Court.

8. And whereas in the reference 21st read above, Government have issued orders implementing the orders dated: 02.02.2018 of Hon'ble High Court in Contempt Case No 1318 of 2017 in W.P. No 24892/2016 filed by Sri P Satyanarayana Prasad, formerly P&E Supdt. Eluru (Retired as Asst Comr, P&E Dept) and to release full pension and other retirement benefits to him subject to finalization of above disciplinary case.

9. Whereas, Sri P Satyanarayana Prasad, Asst. Commissioner of P&E Dept. (Retired) has filed W.P.No.18529 of 2023 for interest @9% p.a., on the delayed payments of retirement benefits.

10. And whereas in the reference 22nd read above the Hon'ble High Court in its orders dated: 25.07 2023 in W.P.No. 18529 of 2023 has ordered the following:

"In view of the same this writ petition is also allowed in the same identical lines as indicated in the order dated: 15.02.2023 issued in writ petition No. 1558 of 2023. The said Writ Petition was allowed on 15.02.2023 with the following directions:

In view of the same, for the reasons alike in the aforesaid Judgment, this writ petition is allowed directing the respondents to pay the retirement monetary benefits to be payable and along with interest @ 9% p.a. on the delayed retirement benefits i.e., Full Pension, Gratuity. Encashment of Earned Leave, and Commutation of Pension, from the date of retirement to till the date of actual payments made to the petitioner in terms of the judgment dated 12 07.2022 passed by the Division Bench of this Court in Wilt Appical No.383 of 2022. There shall be no order as to costs.

Registry is directed to attach a copy of the judgment dated 12.07 2022 passed by the Division Bench of this Court in Wirt Appeal No 383 of 2022 to this Order.

11. In the reference 23rd read above, Sri P Satyanarayana Prasad, Asst Commissioner of P&E Dept., (Retired) has requested to implemented the orders of Hon ble High Court in W.P.No.18529 of 2023 dated 25.07.2023 and pay the interest 9% on the delayed payments of retirement benefits from the date of retirement to till date of actual payments to him.

(PTO)

12. Whereas in the reference 24th read above, the Commissioner of Prohibition & Excise, has requested the Government to take further necessary action on the above Court orders, for sanction of interest @9% p.a. on the delayed payments of pensionery benefits to avoid any further legal complication in the matter.

13. Government after careful examination of the matter, and keeping in view of the orders of Hon'ble High Court in W.P.No 18529 of 2023 filed by Sri P.Satyanarayana Prasad, Asst. Commissioner of P&E Dept. (Retired) have decided to implement the orders dated 25.07.2023 of Hon'ble High Court and to pay the interest @ 9% p.a. on the delayed pensionary benefits to Sri P.Satyanarayana Prasad, Asst. Commissioner of P&E Dept. (Retired).

14. Accordingly, Government hereby order to pay the interest @ 9% pa on the delayed pensionary benefitsi.e., Full Pension, Gratuity, Encashment of Earned Leave, and Commutation of Pension from the date of retirement to till the date of actual payments made to Sri P.Satyanarayana Prasad Asst. Commissioner P&E Dept (Retired).

15 The Commissioner of Prohibition and Excise shall take further necessary action in the matter, accordingly.

16. This order issues with concurrence of Finance (HR. III-Pension, GPF) Department vide their U.O No.FIN01-HROMISC/59/2023-HR-III, dated 12.02.2024.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

Dr. RAJAT BHARGAVA
SPECIAL CHIEF SECRETARY TO GOVERNMENT

To
Sri P. Satyanarayana Prasad. Asst Commissioner of P&E Dept. (Retired).
through the Commissioner of Prohibition and Excise Department, AP,Vijayawada.
The Commissioner of Prohibition and Excise Department, AP, Vijayawada.

Copy to
The Finance (HR III-Pension, GPF) Department, A.P. Secretariat. Velagapudi
The Accountant General, Andhra Pradesh, Vijayawada
The Director of Treasuries and Accounts, AP, Mangalagiri
Sc/Sf

//FORWARDED BY ORDER//

SECTION OFFICER